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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,302	07/10/2003	Kwan-Yong Lim	P68987US0	1623
47604	7590	12/23/2004	EXAMINER	
PIPER RUDNICK LLP				BROCK II, PAUL E
P. O. BOX 9271				
RESTON, VA 20195				
		ART UNIT		PAPER NUMBER
		2815		

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/616,302	LIM ET AL.	
	Examiner	Art Unit	
	Paul E. Brock II	2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 November 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 6-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 6-10 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 10 July 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7-10-03, 11-12-04.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6, and 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (USAPT 4935804, Ito) in view of applicant's admitted prior art (AAPA).

With regard to claim 6, Ito discloses in figures 1 – 4 a method for fabricating a semiconductor device. Ito discloses in figure 1 forming a layer including at least a gate insulation layer (3). Ito discloses in figure 2 forming a silicon layer (4) on the gate insulation layer. Ito discloses in figure 2 and column 2, lines 43 – 55 forming a reaction prevention layer (5) on the silicon layer, the reaction prevention layer containing nitrogen and silicon. Ito discloses in column 2, lines 43 – 47 wherein the reaction prevention layer has a thickness of 2 nm (i.e. 20 angstroms is equivalent to 2 nm). One of ordinary skill in the art would recognize that the thickness of a reaction prevention layer of silicon nitride, as disclosed by Ito, is directly proportional to the surface density of nitrogen. Further, a reaction prevention layer of silicon nitride having a thickness of 2nm would inherently have a surface density of nitrogen above about 1.times.10.¹⁵/cm.². Ito discloses in figure 3 forming a metal layer (6) on the reaction prevention layer. Ito discloses in figure 3 forming a stack gate electrode by etching

sequentially the metal layer, the reaction prevention layer and the silicon layer. Ito teaches forming a PSG film (9) on the sidewalls of the silicon layer. Ito does not teach performing a selective oxidation process oxidizing selectively the silicon layer from the stack gate electrode. AAPA teaches on page 1, line 25 – page 2, line 10 performing a selective oxidation process oxidizing selectively the silicon layer from the stack gate electrode. It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the selective oxidation process of the AAPA in the method of Ito in order to recover a damaged gate oxide layer which resulted from the gate stack etch and therefore increase the reliability of the device as stated by the AAPA on page 1, line 25 – page 2, line 10.

With regard to claim 8, Ito discloses in column 2, lines 43 – 47 wherein at the step of forming the reaction prevention layer, a surface of the silicon layer is proceeded with a thermal treatment performed at a temperature ranging from about 750° C to about 950° C. for about 10 seconds to about 100 seconds in an atmosphere of NH₃ (ammonia). It should be noted that about 750° C to about 950° C is obvious in view of the disclosure of 700° C as taught by Ito. (See MPEP2144.05 II).

With regard to claim 9, Ito discloses in figure 2 and column 2, lines 48 – 51 wherein the reaction prevention layer is a silicon nitride layer formed through the use of a chemical vapor deposition technique or an atomic layer deposition technique.

With regard to claim 10, Ito discloses in figure 2 and column 2, lines 48 – 51 wherein the reaction prevention layer is formed with a thickness of 1 – 5 nm (10 Å is equivalent to 1 nm). It should be noted that thicker than about 1.2 nm but thinner than about 3 nm is obvious in view of Ito's disclosure of 1 – 5 nm. (See MPEP 2144.05 I).

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito and the AAPA as applied to claim 6 above, and further in view of Chen et al. (USPAT 6727134, Chen).

With regard to claim 7, Ito discloses in column 2, lines 48 – 51 wherein at the step of forming the reaction prevention layer, the reaction prevention layer is formed by performing a nitridation process using an ammonia based plasma deposition technique to form a silicon nitride layer. It is not clear what plasma deposition technique Ito uses. Chen teaches in figure 1 and column 2, line 55 – column 3, line 12 wherein at the step of forming a silicon nitride layer, the silicon nitride layer is formed by performing a remote plasma nitridation (RPN) technique in an atmosphere of NH₃ as simultaneously as by maintaining a substrate temperature in a range from about 0° C to about 700° C and supplying a RF power of about 300 W (i.e. 300W is below about 1000W). It would have been obvious to one of ordinary skill in the art at the time of the present invention to use the RPN technique of Chen in the method of Ito and the AAPA in order to use an ammonia based plasma deposition that is well understood in the art.

Response to Arguments

4. Applicant's arguments filed November 23, 2004 have been fully considered but they are not persuasive.

5. With regard to applicant's argument that the Examiner is making an unsupported allegation and in doing so appears to be relying on personal knowledge," it should be noted that

it is up to the applicant to prove that an inherent feature is not inherent. Once a feature is not inherent, a reference or teaching will be provided. Further, applicant's admitted prior art cites U.S. PAT. No. 6,100,193 as teaching that when a silicon nitride layer has a thickness of 1 nm, the surface density of silicon nitride is $8 \times 10^1 \text{ cm}^{-2}$ ²⁴. A further review of U.S. Patent 6,100,193 depicts in figure 2 that a silicon nitride film with a thickness of 2 nm has a surface density of just above $1 \times 10^{15} \text{ cm}^{-2}$. Absent of any other teaching, this figure is depicting that the property of surface density of nitrogen is proportional to its thickness, and therefore, any silicon nitride layer with a thickness of 2 nm inherently has the property of a surface density of nitrogen of above about $1 \times 10^{15} \text{ cm}^{-2}$. Thus, 37 CFR 1.104 (d) (2) does not apply. Therefore, applicant's arguments are not persuasive and the rejection is proper.

6. With regard to applicant's argument that "Ito et al. fails to disclose or suggest the step of performing. As shown in fig. 4(d) of the claimed invention, a selective oxidation process oxidizing selectively the silicon layer to form a silicon oxide layer 28 is performed," it should be noted that Ito is not used in the combination to teach the selective oxidation step. Instead, the AAPA is used for the selective oxidation step. Applicant has not pointed out how this combination fails. Therefore, applicant's arguments are not persuasive and the rejection is proper.

7. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, applicant's arguments are not persuasive and the rejection is proper.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Brock II whose telephone number is (571) 272-1723. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul E Brock II

A handwritten signature in black ink, appearing to read "Paul E. Brock II". The signature is fluid and cursive, with "Paul" and "E." on the first line and "Brock II" on the second line.